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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,597	12/05/2003	Toshiharu Enmei	ADACHI P192USD5	8959

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DAVIS & BUJOLD, P.L.L.C.  
FOURTH FLOOR  
500 N. COMMERCIAL STREET  
MANCHESTER, NH 03101-1151

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT PAPER NUMBER

2626

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,597

Applicant(s)

ENMEI, TOSHIHARU

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This communication is responsive to RCE filed on April 12, 2005.

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on April 21, 2005 has been entered.

2.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brigida et al (US Patent No. 5,313,051).

Concerning claim 21, Brigida et al discloses a portable communicator (Figs. 1, 10) comprising a wireless communication device (110) which is wirelessly connected to a communication channel (col. 3, lines 64-66); a portable computer device (100 or digitizing

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system, Fig.10) to enter data from the communication channel through the wireless communication device and to transmit data to the communication channel through the wireless communication device (col. 4, lines 11-37); an image input device (202, Fig.10); wherein a body of the portable communicator equipped with the portable computer device comprises a switch (to switch between finger touch mode and stylus sense mode), (col. 4, line 55 – col. 5, line 5; col. 6, lines 42-54; col. 8, lines 9-36), a display (Figs.5, 6) for showing a menu screen to command to input an image using the image input device (col. 4, lines 45-48; col. 5, lines 6-28), and a direction changing device which holds the image input device and enables the image input device to change directions in comparison with the direction of the body (col. 5, lines 62-67; col. 7, lines 15-28; col. 8, line 57- col. 9, line 22).

Brigida et al does not directly teach a telephone device which conducts transmission and reception between a telephone network and the portable communicator. However, Brigida teaches that the host link 110 can use a cellular modem or radio transmission to communicate to the host system 118. It would have been obvious to one skilled in the art at the time the invention was made to consider the system in Brigida et al include a device which conducts transmission and reception between a telephone network and the portable communicator 100 since the cellular or radio communication can be a telephone network while it a matter of well known in the art that a conventional portable computer can be communication with remote system through telephone network.

Concerning claims 22, 25 and 26, the image input device 202 is a camera (since it can record, transmit and receive image data), (claim 21), (col. 6, line 55 – col. 7, line 14); at least one of the devices is constituted as an individual device connected to the other device (claim 25) and

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a housing (tracking system 100) which contains the devices assembled therein (claim 26),  
(Figs.1, 10; col. 2, lines 61-65).

5. Claims 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brigida et al as applied to claim 21 above, and further in view of Carver et al (US Patent No. 5,268,844).

Concerning claims 23, 24, Brigida et al fails to teach that the system comprises a location detection device which detects an actual location of the portable communicator using GPS. Carver et al teaches an electronic digital position and navigational plotter, which use GPS to detect the location of a portable communicator (Figs.1-3, 5, 7; Abstract; col. 6, lines 3-37). It would have been obvious to one skilled in the art at the time the invention was made to combine the above teaching of a location detection device using GPS in Carver to the system in Brigida since both of them teach a portable communicator with a stylus for inputting, recording, transmitting and receiving image data.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

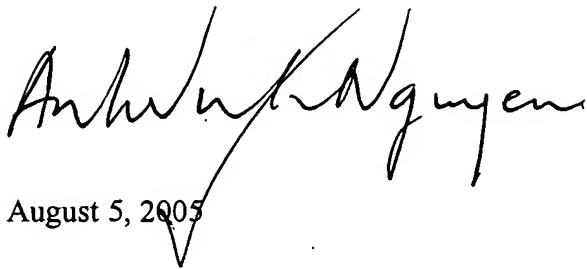
a. Hostetter et al (US Patent No. 5,313,457) discloses a code position system and method for multiple user satellite communications.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

August 5, 2005